IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1684 OF 2006
IN
SECOND APPEAL NO.438 OF 1990

Daulat Narayan Apsunde .. Applicant.
Vs.
Smt.Anjanabai Yadav Apsunde & Ors. .. Respondents.

Mr.P.D.Pise i/b.Mrs.A.R.S.Baxi for the applicant.
Mr.Kankaria for the respondents.

CORAM : D.B.BHOSALE, J.
DATE : 1st December, 2006.

P.C.

. Heard the learned counsel for the parties.

. By this civil application, the applicant has prayed for setting aside the order dated 6th November, 2006 passed by this Hon'ble Court in Second Appeal No.438 of 1990, by which the appeal came to be dismissed for non-prosecution. I have perused the application. For the reasons stated in the application, this civil application is allowed in terms of prayer clause (a) subject to the condition that the applicant shall pay Rs.3,000/- to the respondents within a period of one week from today, failing which the appeal shall stand dismissed for non-prosecution without further reference to the Court. If the cost is paid as aforestated, office is directed to place the appeal for final hearing in the week commencing from 11th December, 2006.

(D.B.BHOSALE, J.)